

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RONALD J. ALLISON,

4 Plaintiff,

5 v.

6 CLARK COUNTY DETENTION CENTER,

7 Defendant.

Case No. 2:21-cv-01339-RFB-EJY

ORDER

8 On July 14, 2021, Plaintiff, an inmate in the custody of the Clark County Detention Center
9 (“CCDC”), filed what appears to be a proposed complaint thereby initiating a civil action in this
10 Court. ECF No. 1-1. Plaintiff has neither paid the \$402 filing fee for this matter, nor has he filed an
11 application to proceed *in forma pauperis* in this matter.

12 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a
13 civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action
14 without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must
15 submit all three of the following documents to the Court:

16 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s
17 approved form (including pages 1 through 3 with the inmate’s two signatures on page 3),

18 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
19 (page 4 of this Court’s approved form), and

20 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**
21 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
22 must still submit an inmate account statement for the dates he has been present at the facility.

23 The Court grants Plaintiff a **one-time extension** to file a fully complete application to
24 proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay
25 the full \$402 filing fee for this action on or before **September 14, 2021**. Absent unusual
26 circumstances, the Court will **not** grant any further extensions of time. If Plaintiff is unable to file a
27 fully complete application to proceed *in forma pauperis* with all three required documents or pay
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1 the full \$402 filing fee on or before **September 14, 2021**, the Court will recommend dismissal of
2 this case **without prejudice** allowing Plaintiff to file a new case with the Court when Plaintiff is
3 able to acquire all three of the documents needed to file a fully complete application to proceed *in*
4 *forma pauperis* or pay the full \$402 filing fee.

5 A dismissal **without prejudice** means Plaintiff does not give up the right to refile the case
6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
7 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
8 application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
9 **September 14, 2021** to proceed with this case.

10 The Court will retain Plaintiff's compliant (ECF No. 1-1), but the Court will not file the
11 complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma*
12 *pauperis* with all three documents or pays the full \$402 filing fee.

13 Accordingly, and for the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the
14 Court shall send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate,
15 as well as the document entitled information and instructions for filing an *in forma pauperis*
16 application.

17 IT IS FURTHER ORDERED that on or before **September 14, 2021**, Plaintiff shall either
18 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
19 administrative fee) or file with the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
21 approved form (including pages 1 through 3 of the form with the inmate's two signatures on
22 page 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
24 (page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
26 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
27 must still submit an inmate account statement for the dates he has been present at the facility.
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1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
2 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
3 on or before **September 14, 2021**, the Court will recommend dismissal of this action **without**
4 **prejudice** for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is
5 able to file a complaint and has all three documents needed to file a complete application to proceed
6 *in forma pauperis* or pays the full \$402 filing fee.

7 IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's proposed
8 complaint (ECF No. 1-1) but will not file it at this time.

9 Dated this 15th day of July, 2021.

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12 ELAYNA J. YOUCHAH
13 UNITED STATES MAGISTRATE JUDGE
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